

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE LUIS JOAQUIN-DEL ORBE,	:	
Petitioner	:	No. 1:13-cr-00174-8
:		
v.	:	(Judge Kane)
:		
UNITED STATES OF AMERICA,	:	
Respondent	:	

ORDER

AND NOW, on this 18th day of December 2020, upon consideration of Petitioner Jose Luis Joaquin-Del Orbe (“Petitioner”)’s motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. No. 1323), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT**:

1. Petitioner’s motion (Doc. No. 1323) is **GRANTED IN PART** to the extent that his appellate rights are **REINSTATED** subject to the waiver contained in his plea agreement and **DENIED** in all other respects;
2. The judgment of sentence entered on July 14, 2017 (Doc. No. 1256) is **VACATED**;
3. In lieu of resentencing, a new judgment of sentence, identical to the vacated judgment, is hereby **ENTERED** pursuant to Federal Rule of Criminal Procedure 32(k)(1) and is to be docketed by the Clerk of Court to comply with Federal Rule of Appellate Procedure 4(b)(6);
4. A certificate of appealability **SHALL NOT ISSUE**;
5. The Clerk of Court is directed to **CLOSE** civil case number 1:18-cv-00813; and
6. Petitioner is afforded fourteen (14) days from the date of this Order in which to file a notice of appeal.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania